

# Exhibit 42

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

1

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

CASE 1:19-CV-00109-SM

\* \* \* \* \*  
JOHN DOE ,  
VS.  
TRUSTEES OF DARTMOUTH COLLEGE  
\* \* \* \* \*

DEPOSITION OF KRISTI CLEMENS

Deposition taken at the Hanover Inn,  
2 East Wheelock Street, Hanover, New Hampshire,  
on Monday, January 6, 2020, commencing at  
11:17 a.m.

Court Reporter:

Dawn L. Griffin-Smith, LCR  
New Hampshire LCR No. 108 (RSA 310-A:161-181)

APPEARANCES

Representing the Plaintiff:

Mark Anderson - pro se  
9007 W. Shorewood Drive, #542  
Mercer Island, WA 98040  
jd2018265@gmail.com

Representing the Defendants:

DINSE  
209 Battery Street  
Burlington, VT 05402  
By: Shapley Smith, Esq.  
(802) 859-7026  
ssmith@dinse.com

and

WADLEIGH STARR & PETERS  
95 Market Street  
Manchester, NH 03101  
By: Chris McGown, Esq. (via telephone)  
(603) 669-4140

Also Present: Dana Scaduto

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

3

## I N D E X

WITNESS:

KRISTI CLEMENS

EXAMINATION:

Page

By Mr. Smith . . . . . 4

By Mr. Anderson . . . . . 52

EXHIBITS FOR IDENTIFICATION:

Number

Page

21 3/29/17 Report 18

22 Email String 42

\*\*\*Exhibits retained by Attorney Smith.

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUTH COLLEGE

January 06, 2020

5

1 Q. Okay. Prior to that role what role did you serve  
2 at Dartmouth College?

3 A. Beginning in April 2013 I served as the assistant  
4 dean of student affairs and director of case  
5 management.

6 Q. What is your educational background?

7 A. I have a masters in higher education and student  
8 affairs administration from the University of  
9 Vermont, and a bachelors in speech and  
10 interpersonal communication from New York  
11 University.

12 Q. And in your prior role, the one prior to your title  
13 IX, could you describe your roles and  
14 responsibilities?

15 A. My role was to assist other colleagues throughout  
16 the division of student affairs with students of  
17 concern and students who were struggling to remain  
18 enrolled at the college.

19 To do that, I oversaw our on-call system  
20 as well as any emergency situations that arose for  
21 undergraduate students.

22 Q. Can you describe the on-call system?

23 A. Sure. Our on-call system we have a dean on call

1 call, for responding to dean on-call reports as  
2 they came in; to determining, responsible for  
3 determining what would be the appropriate next  
4 steps.

5 I was not, I would often describe it as  
6 like an air traffic controller, not necessarily the  
7 person flying the plane but directing and keeping  
8 track of where a situation might be handled to  
9 insure that the ball wasn't dropped.

10 Q. And other than the coordination of the on call,  
11 what other roles and responsibilities did you have?

12 A. During the day I would work with colleagues in the  
13 undergraduate dean's office, in residential life,  
14 in a number of different student affairs offices to  
15 discuss students of concern.

16 And so it's a model where we don't want  
17 one area of campus sort of having information about  
18 a student who might be struggling. We try to make  
19 those connections across the campus to say if  
20 somebody is having difficulty in residential life  
21 and also having difficulty in their academics,  
22 rather than having two different people work with  
23 that student how can we better coordinate our

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

8

1 services to serve that student.

2 So I was the hub of that system, making  
3 those connections with the different colleagues and  
4 helping to share that information.

5 Q. What was your responsibility with regard to the  
6 disciplinary process?

7 A. I didn't have any responsibility in regard to the  
8 disciplinary process.

9 Q. Okay. Have you fully described what your role was?

10 A. The role of case management is a bit of a "what  
11 needs to be done" sort of position. When things  
12 get messy, as they tend to do with student and  
13 human lives, I would be the person to try to  
14 untangle that mess a little bit and ensure that our  
15 students are served in the best way possible so  
16 they can do what they came here to do, which is get  
17 an education.

18 So that is, that sort of bringing  
19 together and gathering of bread crumbs is the best  
20 way that I can describe a number of different  
21 things that were situation specific.

22 Q. And remind me your title again was?

23 A. Assistant dean of student affairs and director of

1 case management.

2 Q. And were you referred to as a dean?

3 A. Yes.

4 Q. Let's turn our attention to you, the individual who  
5 is the plaintiff here, Mark Anderson. When did you  
6 first learn that Mark Anderson had been contacted  
7 by Dartmouth's security services?

8 A. I received a dean on-call report the night of  
9 March 29, 2017, regarding Mark's interaction with  
10 safety and security.

11 Q. And tell me about what you learned at that time.

12 A. Yup. The report from the dean on call stated that  
13 [REDACTED] University had contacted Dartmouth's safety  
14 and security to express concern about Mr.  
15 Anderson's behavior toward one of their students.

16 [REDACTED] University Police Department was  
17 issuing a protective order, an order of protection,  
18 to Mr. Anderson, and asked for Dartmouth's  
19 assistance in delivering that protective order.

20 I believe that safety and security also  
21 then worked or maybe [REDACTED] contacted the Hanover  
22 Police Department to assist with, but ultimately  
23 the report that I received as part of that dean





1 on-call report that evening stated that there was  
2 some concerning behavior exhibited by Mr. Anderson  
3 that resulted in the issuance of a protective order  
4 that evening.

5 Q. And what did you do once you had received that  
6 information?

7 A. We didn't have a lot of information at that time  
8 about what was contained, what occurred that  
9 precipitated the order.

10 There was a mention in the dean on-call  
11 report about potentially some mental health issues  
12 or threatening behavior toward the other party at  
13 [REDACTED] but in the evening we did not have a lot of  
14 information.

15 I believe that the, either the dean  
16 on-call or the safety and security officer who gen,  
17 who worked on this case that night said that they  
18 were not concerned about Mr. Anderson at that time,  
19 and that was my primary concern was, What is his  
20 mental state? Is he safe to remain on campus at  
21 this time?

22 Q. Who did you speak to when you received this report,  
23 if you remember?

1 Q. Before you reached out to him, do you know whether  
2 anybody else from Dartmouth, other than safety and  
3 security, had spoken to Mark?

4 A. I don't know, but I don't believe so.

5 Q. Okay. And what did you do to reach out to Mark  
6 Anderson?

7 A. Yeah. I wrote to Mark and let him know that the  
8 college was aware that he was served with a  
9 protective order last night and that I would like  
10 to speak with him about that.

11 Q. Were you involved in gathering any additional  
12 information about what had happened at [REDACTED] and  
13 with the individual who had made the complaint  
14 against Mr. Anderson?

15 A. I asked safety and security if they had received a  
16 more detailed report from [REDACTED] University because  
17 I wanted to know the nature of the threats that  
18 were made, and also whether we had a safety issue  
19 in regards to Mr. Anderson.

20 I believe that I got a copy of that full  
21 report from [REDACTED] University that afternoon, which  
22 when I read it and also I believe a colleague in  
23 the counseling center read it, at that time we did

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

16

1 Carson.

2 Q. And can you describe the discussion that you had  
3 with Mr. Anderson?

4 A. Sure. He came in I believe it was towards the end  
5 of the day, and I explained that, as I said, we  
6 were aware of this protective order. I explained  
7 that my role, though I am a dean I'm not an  
8 undergraduate dean, and so I'm someone who just  
9 checks in with students to talk with them about  
10 circumstances that may have occurred.

11 I let him know that we had read the  
12 report and that I was concerned about him and  
13 wanted to check in and see how he was doing. I  
14 recall that he said he was fine. He was nervous  
15 about remaining in his classes and how to talk to  
16 faculty.

17 I let him know the college would not be  
18 taking any action on this report in terms of a  
19 judicial approach at this point, but wanted to let  
20 him know that should this behavior continue we may  
21 need to reconsider that.

22 Q. How did you learn that the college would not be  
23 taking any action since the disciplinary process

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

19

1 Could you identify that document for me?

2 A. These are my notes in Mark Anderson's Maxient case  
3 management file.

4 Q. And that also includes your summary of what  
5 occurred on the April 4th, 2017, meeting?

6 A. Yes.

7 Q. Would that also include your communication to  
8 others about what you had communicated to Mark?

9 A. That is not included in this file.

10 Q. Okay. Was the Maxient note shared with Mr.  
11 Anderson?

12 A. No.

13 Q. Do students have access to the Maxient note system?

14 A. No, it's private, private online situation.

15 Q. When was the next time that you learned about Mr.  
16 Anderson's activities on campus?

17 A. On May the 4th we received another dean on-call  
18 report that the protective order had been violated  
19 by Mr. Anderson, and that he was going to be  
20 arrested and transported to the Grafton County  
21 Jail.

22 Q. What did you do when you learned that information?

23 A. At that point our protocol and our practice for

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

35

1           that he was not allowed to be on campus.

2       Q.   And what did they say to that?

3       A.   They understood. I think they were concerned both  
4           for him and for the situation, and understood that  
5           he was not to be on campus and so they should  
6           leave.

7       Q.   Did you have a subsequent conversation with his  
8           parents?

9       A.   I think I only spoke with them on that Saturday,  
10           but then Mark himself called me on Sunday to say a  
11           number of things, but essentially to say that he  
12           would be leaving with his parents.

13      Q.   What else did he say?

14      A.   He was very upset about what had happened; he was  
15           upset about the outcome. He was very emotional  
16           during our conversation, and so what I tried to do  
17           in that conversation was to support him, was to  
18           reassure him that the appeals process was fair, and  
19           that he would have the opportunity to share his  
20           concerns in an appeal; but also to reiterate that  
21           the best decision at this point would be to go home  
22           because he could not remain on campus.

23                           He had brought up in that conversation

KRISTI CLEMENS  
DOE vs TRUSTEES OF DARTMOUT COLLEGE

January 06, 2020

42

1 happened at that meeting in April. It was not a  
2 hearing by any means necessary. And then it was  
3 after that that I had that long conversation with  
4 him. It's all coming back now.

5 Q. You did not have the authority to have any sort of  
6 hearing in April of 2017 with regard to any  
7 allegations that might have been made against Mark  
8 Anderson; correct?

9 A. That is correct.

10 MR. SMITH: Can we get this marked. That  
11 will be Exhibit 22, I believe.

12 (Exhibit 22, Email string, marked for  
13 identification.)

14 Q. I'm showing you what's been marked as Exhibit 22.  
15 Could you identify that document for me?

16 A. This is the email where Mark wrote to me, read from  
17 the bottom up. He had asked to meet with me. I  
18 said, No, I can't meet with you. And then he poses  
19 the question about or makes the assertion that I  
20 told him he had been given a college  
21 reprimand/warning about the incident. And then on  
22 November 17th is the email where I correct that  
23 factually.

1       certainty about our meeting, that meeting being 4  
2       April, 2017?

3       A.   The meeting on April 4th, 2017.

4                 MR. SMITH:   Same objection, but you can  
5       answer.

6       A.   What I recall about that meeting is that I reached  
7       out to you to ask you to come in and speak about  
8       the incident, which resulted in the protective  
9       order being issued to you.

10                In that meeting I recall that we talked  
11       about that the college was aware of this incident;  
12       that I gave you some advice that this was behavior  
13       that should not continue.   We talked about your  
14       classes.   We talked about some supports like  
15       counseling and other supportive areas.

16                And at that time I believe that you asked  
17       me what would happen next in terms of the college  
18       response, and I said to you that at this time the  
19       college would not be moving forward with any  
20       conduct or judicial action, but if something like  
21       this came up again we may need to have a different  
22       conversation.

23       Q.   Okay.   So at that point the judicial affairs office